

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES**

June 29, 2006
9:00 am
Arcata City Hall – Council Chambers
736 F Street
Arcata, CA

MEMBERS PRESENT:

Douglas Bosco (Public Member), Chair
Ann Notthoff (Public Member)
Meg Caldwell (California Coastal Commission)
Fred Klass (Designated Representative, Department of Finance)

OVERSIGHT LEGISLATORS PRESENT:

There were no Oversight members present

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Pat Peterson, Deputy Attorney General
Glenn Alex, Staff Counsel

Humboldt County Supervisor John Wooley welcomed the Conservancy to the City of Arcata.

1. ROLL CALL

Due to a flight delay, the three members present heard the following non-action items (out of agenda sequence) until Mr. Klass arrived to complete the quorum.

21. EXECUTIVE OFFICER'S REPORT

- a. Klamath River Sediment Study Update, presented by Conservancy project manager Michael Bowen.
- c. Ocean Observing Program Update, presented by Conservancy project manager Sheila Semans.

Mr. Klass arrived at 9:45 a.m.

2. APPROVAL OF MINUTES

The Minutes of the April 27 public meeting were approved without change. Ms. Caldwell abstained from the vote.

3. BIG RIVER AND SALMON CREEK

Karyn Gear of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation were: Chris Kelly, California Program Director, The Conservation Fund; Andrea Tuttle, public comment.

Ms. Notthoff proposed an amendment to condition 3 of the draft resolution: the amendment, pertaining to forest stewardship certifications, was accepted.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed seven million two hundred fifty-thousand dollars (\$7,250,000) to The Conservation Fund (TCF) towards its acquisition of approximately 16,000 acres of Hawthorne timberlands property in the Big River and Salmon Creek Watersheds of Mendocino County (Mendocino County Assessor Parcel Nos. as listed in Exhibit 4 to the accompanying staff recommendation) for the purposes of preventing fragmentation of forestlands; protecting, restoring and enhancing water quality and salmonid habitat; improving forest structure and increasing natural diversity; and providing public access where appropriate, subject to the following conditions:

1. Prior to the disbursement of State Coastal Conservancy funds for acquisition:
 - a. TCF shall:
 - 1) Submit for the review and approval of the Executive Officer of the Conservancy (“the Executive Officer”):
 - i. All relevant acquisition documents, including but not limited to an appraisal, environmental assessments, agreement of purchase and sale, escrow instructions, and documents related to title.
 - ii. Evidence that TCF has obtained all funds necessary to complete the acquisition.
 - 2) Enter into an agreement or other instrument acceptable to the Executive Officer requiring periodic payment to the Conservancy of fifteen percent of future timber revenues generated by the property in excess of property taxes, loan repayments, and reasonable costs of management of the Hawthorne timberlands property. At the request of the Executive Officer, the instrument shall be recorded.
 - b. The period for review by the Joint Legislative Budget Committee and the Department of Finance provided for in the 2003 and 2004 Budget Acts for certain expenditures under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50) shall have been completed.
2. TCF shall pay no more than fair market value for the property as established in an appraisal approved by the Executive Officer.
3. TCF shall permanently dedicate the property in a manner acceptable to the Executive Officer for the purposes of preventing fragmentation of forestlands; protecting, restoring and enhancing water quality and salmonid habitat; improving forest structure and

increasing natural diversity; and providing public access where appropriate. The dedication shall require forest management practices complying with Forest Stewardship Council certifications or a more protective standard approved by the Executive Officer.

4. TCF shall acknowledge Conservancy funding by erecting and maintaining a sign on the property that has been reviewed and approved by the Executive Officer.
5. TCF shall prepare and submit for approval by the Executive Officer, in consultation with the California Department of Fish and Game and the California Department of Forestry, a forest management plan for the property within a reasonable time after acquiring the property, but no later than December 31, 2008. The plan shall include, among other things, descriptions of specific lands and preserve areas, definitions of operative terms such as "excess revenues," and monitoring procedures. The plan shall be updated periodically, and the updates submitted for approval by the Executive Officer."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 5.5 of Division 21 of the Public Resources Code (Section 31220) regarding integrated coastal and marine resources protection.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservation Fund is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code."

Moved and seconded. Approved by a vote of 4-0.

4. **MILL CREEK**

Deborah Hirst of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Don Bears, California State Parks, Grant Werschull of Smith River Alliance, Inc.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one million dollars (\$1,000,000) to Smith River Alliance, Inc. to implement a watershed and resource enhancement project on the Mill Creek property in Del Norte County, subject to the following conditions:

1. Prior to the disbursement of funds, Smith River Alliance shall submit for the written approval

of the Conservancy's Executive Officer a work program, budget, names of any contractors it intends to employ for the project and a signage plan acknowledging the Conservancy and Proposition 50 funding.

2. The grantee shall implement the applicable requirements of the Negative Declaration (attached as Exhibit 7 to the accompanying staff recommendation), adopted on June 12, 2006 by the California Department of Fish and Game for the 2006 Fisheries Restoration Grant Program.
3. The grantee shall obtain appropriate permits and authorization of sufficient duration to perform the work on Department of Parks and Recreation property prior to construction."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Chapter 5.5 of Division 21 of the Public Resources Code.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has independently reviewed the Mitigated Negative Declaration prepared and adopted by the Department of Fish and Game and concurs there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.
4. There is no evidence before the Conservancy that the project will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined under California Fish and Game Code Section 711.2.
5. The Conservancy has on the basis of substantial evidence rebutted the presumption of adverse effect contained in 14 California Code of Regulations Section 753.5 (d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2.
6. Smith River Alliance Inc. is a nonprofit organization organized under Section 501(c)(3) of the Internal Revenue Code and its purposes are consistent with Division 21 of the Public Resources Code."

Moved and seconded. Approved by a vote of 4-0.

5. **ARCATA BAYLANDS**

Moira McEnespy of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Mark Andre, City of Arcata.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to nine hundred twenty-one thousand dollars (\$921,000) to the City of Arcata (“the City”) to acquire approximately 68.3 acres and restore or enhance approximately 82 acres within the Arcata Baylands. Specifically, the City will acquire approximately 64.9 acres in the Jacoby Creek/Gannon Slough area (Humboldt County Assessor’s Parcel Number 501-042-001) and 3.4 acres in the McDaniel Slough area (Humboldt County Assessor’s Parcel Number 505-251-006) for the purposes of resource enhancement and protection, public access, open space and scenic preservation and agricultural preservation, and will restore and enhance a total of approximately 82 acres within both slough areas. This authorization is subject to the following conditions:

1. Prior to the disbursement of Conservancy funds for acquisition, the City shall submit for the review and approval of the Executive Officer of the Conservancy (“the Executive Officer”) all relevant acquisition documents, including but not limited to appraisals, environmental assessments, agreements of purchase and sale, escrow instructions, and documents related to title.
2. The City shall pay no more than fair market value for the approximately 68.3 acres of Arcata Baylands properties as established in appraisals approved by the Executive Officer.
3. The City shall permanently dedicate the approximately 68.3 acres of Arcata Baylands properties in a manner acceptable to the Executive Officer for the purposes of resource enhancement and protection, public access, open space and scenic preservation and agricultural preservation.
4. The City shall acknowledge Conservancy funding by erecting and maintaining on the Arcata Baylands a sign that has been reviewed and approved by the Executive Officer.
5. Prior to the disbursement of Conservancy funds for restoration or enhancement, the City shall obtain approval in writing from the Executive Officer of the following items:
 - a. A work program for the project that includes budget and timeline.
 - b. All contractors that the grantee intends to retain in connection with the project.
 - c. A signing plan that acknowledges Conservancy funding.
 - d. All permits and approvals necessary to the completion of the project under applicable local, state and federal laws and regulations.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 6 of Division 21 of the Public Resources Code (commencing with Section 31251) regarding coastal resource enhancement projects.

2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Coastal Conservancy has independently reviewed and considered the “Mitigated Negative Declaration” including Initial Study, attached to this staff recommendation as Exhibit 7, as prepared and adopted by the City of Arcata pursuant to the California Environmental Quality Act, and finds that the project, as mitigated, avoids, reduces or mitigates the possible significant environmental effects and that there is no substantial evidence that the Arcata Baylands Restoration/Enhancement project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

Moved and seconded. Approved by a vote of 4-0.

6. HAMMOND COASTAL TRAIL

Su Corbaley of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Ruth Blyther, Natural Resources Services, RCAA; Chris Whitworth, Humboldt County Public Works.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed seven hundred thousand dollars (\$700,000) to the Redwood Community Action Agency to construct a segment of the Hammond Coastal Trail to include the Widow White Creek pedestrian interpretive corridor trail and bypass trail for the purpose of connecting its northern and southern segments and creating 5.5 miles of continuous trail from Clam Beach County Park to the Mad River, subject condition that, prior to disbursement of these funds, the Executive Officer shall approve in writing:

1. A work plan, budget and schedule, and any contractors to be used for the activities funded under this authorization.
2. A detailed signing plan consistent with the sign guidelines for projects funded by the Safe Neighborhoods, Parks, Clean Water, Clean Air and Coastal Protection Bond Fund (Proposition 12).
3. Evidence that the county has secured all property rights necessary to construct and operate the trail.
4. Evidence that all permits necessary to this project have been issued.
5. An agreement or agreements to protect public interest that shall be entered into and recorded in Humboldt County, consistent with Public Resources Code Section 31116(c).”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed Hammond Trail project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 of the Public Resources Code.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has reviewed the Negative Declaration and the Mitigation Monitoring Program (attached to the accompanying staff recommendation as Exhibit 4) adopted by the Humboldt County Board of Supervisors on June 27, 2006 pursuant to the California Environmental Quality Act, and finds that the project avoids, reduces or mitigates the possible significant environmental effects to a level of insignificance, and that there is no substantial evidence that the trail construction activities along Widow White Creek may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.
4. The proposed project will serve greater than local needs.”

Public comment: Annette Leshner questioned the proposed location of the trail and expressed concern about keeping the Widow White Creek trail limited to pedestrian only uses.

Moved and seconded. Approved by a vote of 4-0.

7. STAMPS ACQUISITION

Su Corbaley of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Larry Stamps, Landowner; Carol VanDeMeer, Friends of the Dunes

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred five thousand dollars (\$505,000) to Friends of the Dunes Land Trust (“FOD”) toward the acquisition of the Stamps property in the town of Manila, Humboldt County (Humboldt County Assessor’s Parcel Nos. 506-111-011 and 506-111-020), depicted in Exhibit 1 to the accompanying staff recommendation. The Conservancy further authorizes the disbursement to FOD of an amount not to exceed twenty thousand dollars (\$20,000) to conduct pre-acquisition planning activities for the project. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for the acquisition, FOD shall submit for review and written approval of the Executive Officer of the Conservancy (“the Executive Officer”):
 - a. All relevant acquisition documents, including but not limited to, appraisals, agreements of purchase and sale, escrow instructions and documents of title necessary to the acquisition of the property.
 - b. A signing plan for the project acknowledging Conservancy participation.

2. Prior to the disbursement of funds for pre-acquisition planning activities, FOD shall submit for review and approval of the Executive Officer:
 - a. A work plan, budget and schedule for completion of the activities
 - b. The names and qualifications of any contractors to be employed to carry out the work plan.
3. A portion of the Conservancy's acquisition funds may be used to secure an option to purchase the property, provided that the Executive Officer has approved the option agreement, and that, if the option is exercised, the option price will be credited toward the cost of acquiring the property.
4. FOD shall pay no more than fair market value for the Stamps property as established in an appraisal approved by the Executive Officer.
5. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign or signs, the design and placement of which have been approved by the Executive Officer.
6. FOD shall permanently dedicate the property for public access, open space, habitat conservation, and outdoor recreation, in a manner acceptable to the Executive Officer."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 *et seq.*) regarding public access to the coast.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. FOD is a nonprofit organization existing under Internal Revenue Code Section 501(c)(3), and whose purposes are consistent with Division 21 of the Public Resources Code."

Moved and seconded. Approved by a vote of 4-0.

8. CELESTRE ACQUISITION

Su Corbaley of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Tim Dellas and Dendra Dengler, Manila Community Services District

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred thousand dollars (\$300,000) to the Manila Community Services District for the acquisition of all or part of the Celestre property (Humboldt County Assessor's Parcel Nos. 400-

171-002 and 400-171-007), depicted in Exhibit 1 to the accompanying staff recommendation, and associated costs. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for the acquisition, the Manila Community Services District shall submit for review and written approval of the Executive Officer of the Conservancy (“the Executive Officer”):
 - a. All relevant acquisition documents, including but not limited to, appraisals, agreements of purchase and sale, escrow instructions, and documents of title.
 - b. Evidence that the Manila Community Services District has available all funds necessary to complete the transaction.
 - c. A detailed signing plan consistent with the sign guidelines for projects funded by the Safe Neighborhoods, Parks, Clean Water, Clean Air and Coastal Protection Bond Fund (Proposition 12).
2. The Manila Community Services District shall pay no more than fair market value for the Celestre property as established in an appraisal approved by the Executive Officer.
3. The Conservancy funding shall be acknowledged by erecting and maintaining, on the property, a sign or signs, the design and placement of which have been approved by the Executive Officer.
4. The Manila Community Services District shall permanently dedicate the property for public access, open space and habitat conservation, and outdoor recreation, in a manner acceptable to the Executive Officer.”

Moved and seconded. Approved by a vote of 4-0.

9. MENDOCINO COUNTY COASTAL TRAIL PLAN

Sheila Semans of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: James Bernard, Mendocino Land Trust

Ms. Caldwell proposed the addition of three conditions to the draft resolution; the amendment was accepted by the Conservancy.

Resolution as amended:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred thousand dollars (\$200,000) to the Mendocino Land Trust to develop Phase 1 of the Mendocino County Coastal Trail Plan, as described in the accompanying staff recommendation, subject to the condition that prior to disbursement of any funds, the Executive Officer of the Conservancy shall approve in writing a work plan, budget and schedule, and any contractors to be employed in these tasks.

Additionally:

1. The project must ensure that the recommended alignments are developed in conformity with the 'Principles for Designing the Coastal Trail' as set forth on pages 14-16 in the Conservancy's publication entitled 'Completing the California Coastal Trail.'
2. The Master Plan will be developed in a manner suitable for incorporation into the Mendocino County Local Coastal Program.
3. The plan shall be prepared in consultation with Coastal Commission staff."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 5 of Division 21 (§§31200-31215) and Chapter 9 of Division 21 (§§31400-31409) of the Public Resources Code regarding coastal restoration and public access.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project will serve greater than local needs.
4. The Mendocino Land Trust is a private nonprofit organization existing under the provisions of 501(c)(3) of the U.S. Internal Revenue Code, and its purposes are consistent with Division 21 of the Public Resources Code."

Moved and seconded. Approved as amended, by a vote of 4-0.

10. TUCKER ROAD FISH PASSAGE

Kate Goodnight of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Karen Christensen, Santa Cruz County.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred twenty thousand dollars (\$220,000) to the Santa Cruz County Resource Conservation District [SCCRCD] to remove a concrete ford and replace it with a clear span bridge at Tucker Road on the West Branch of Soquel Creek in Santa Cruz County to improve fish passage subject to the following conditions:

1. Prior to the SCCRCD's commencement of work, the Executive Officer of the Conservancy shall approve in writing a work program, schedule of completion, project budget, any contractors to be employed and a signing plan acknowledging the Conservancy;

2. The SCCRCD shall submit evidence that all necessary permits have been obtained;
3. The SCCRCD shall submit evidence that it has obtained landowner permission for construction of the project; and
4. The SCCRCD shall implement post-project effectiveness monitoring for three years following construction according to a monitoring plan approved by the Executive Officer of the Conservancy, and will ensure that the revegetation maintenance plan is implemented, including three years of summer irrigation and follow up removal of non-native species for five years.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 5.5 of Division 21, section 31220 of the Public Resources Code regarding integrated coastal and marine resources protection.
2. The proposed projects are consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has independently reviewed the mitigated Negative Declaration approved on May 18, 2006 by the County of Santa Cruz and finds that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

Moved and seconded. Approved by a vote of 4 -0.

11. ARROYO HONDO CREEK STEELHEAD PASSAGE

Trish Chapman of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Jim Mazza, The Land Trust for Santa Barbara County.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed six hundred fifty thousand dollars (\$650,000) to the Land Trust for Santa Barbara County (Land Trust) for the Arroyo Hondo Creek Steelhead Passage Enhancement project, subject to the following conditions:

1. Prior to commencement of construction and to disbursement of any Conservancy funds for

construction, the Land Trust shall submit for the review and written approval of the Executive Officer of the Conservancy:

- a. A detailed work program, project budget and timeline
 - b. A plan for installation of a sign acknowledging the Conservancy's assistance.
 - c. The names and qualifications of any contractors or subcontractors that the Land Trust intends to employ to construct the project.
 - d. Evidence that all applicable permits and approvals for the project have been obtained.
 - e. Evidence that the Land Trust has obtained an encroachment permit, license agreement or other form of permission from Caltrans to modify the culvert.
 - f. An executed and recorded agreement consistent with Public Resources Code Section 31116(c) to protect the public interest in the project.
2. The Land Trust shall implement the applicable requirements of the Mitigated Negative Declaration (attached as Exhibit 3 to the accompanying staff recommendation), adopted by the California Department of Fish and Game under the California Environmental Quality Act for the 2005 Fisheries Restoration Grant Program.
 3. Conservancy funding shall be acknowledged by erecting and maintaining a sign in the project area, which has been reviewed and approved by the Executive Officer of the Conservancy."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Public Resources Code 31220 regarding watershed restoration.
2. The proposed project is consistent with the guidelines and criteria in the Conservancy's Project Selection Criteria and Guidelines adopted on January 24, 2001.
3. The Conservancy has independently reviewed the Mitigated Negative Declaration (attached as Exhibit 3 to the accompanying staff recommendation) adopted by the California Department of Fish and Game under the California Environmental Quality Act for the 2005 Fisheries Restoration Grant Program; and finds that, with the proposed mitigation measures and mitigation-monitoring program, there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.
4. There is no evidence before the Conservancy that the project will have a potentially adverse effect either individually or cumulatively, on wildlife resources as defined under California Fish and Game Code Section 711.2.
5. The Conservancy has on the basis of substantial evidence rebutted the presumption of adverse effect contained in 14 California Code of Regulations Section 753.5(d) regarding the

potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2.

6. The Land Trust for Santa Barbara County is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

Moved and seconded. Approved by a vote of 4-0.

12. LOWER REFUGIO CREEK

Trish Chapman of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Jim Mazza, The Land Trust for Santa Barbara County.

Resolution:

1. Prior to the Land Trust’s commencement of work, the Executive Officer of the Conservancy shall approve in writing:
 - a. A detailed work program, including schedule and budget.
 - b. Any contractor to be retained to carry out the project work.
 - c. A signing plan acknowledging Conservancy funding.
 - d. Documentation that the Land Trust has obtained all permits and approvals needed under federal, state and local laws to complete the project, including, without limitation, a red-legged frog Biological Opinion issued by the U.S. Fish and Wildlife Service covering the project activities.
 - e. Documentation that the Land Trust has obtained written authorization from the owners of the properties on which project work is to occur to enter the property to undertake the work and to carry out required post-project monitoring.
2. In carrying out the project, the Land Trust shall comply with all applicable mitigation and monitoring measures for the project that are set forth in the EIR, as identified in the “Refugio Creek Routine Maintenance Addendum to the Program EIR for Santa Barbara County Flood Control Routine Maintenance” (Addendum), attached as Exhibit 2 to the accompanying staff recommendation, and the Mitigation Monitoring Program accompanying the Addendum, and with all mitigation, monitoring and other measures that are required by any permit or approval for the project.
3. The Land Trust shall implement post-project effectiveness monitoring for three years following construction according to a monitoring plan approved by the Executive Officer of the Conservancy.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 5.5 of Division 21, section 31220 of the Public Resources Code regarding integrated coastal and marine resources protection.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has independently reviewed and considered the information contained in the Final Program Environmental Impact Report, Updated Routine Maintenance Program, November 2001 (EIR), adopted by the Santa Barbara County Flood Control and Water Conservation District on December 11, 2001, and the Addendum to the EIR, attached to this staff recommendation as Exhibit 2. The EIR and Addendum identify potential significant impacts related to the Refugio Creek project in the areas of hydrology, water quality, wetlands, riparian habitat and rare plants, fish, aquatic species and wildlife, air quality, noise and visual. The Conservancy finds that changes, identified in the EIR and specified for the project in the Mitigation Monitoring Program accompanying the Addendum, have been made in the project or its operating conditions to avoid, reduce or mitigate these possible significant environmental effects to a level of insignificance.
4. The environmental effects associated with the project as described by the Addendum and the mitigation measures to reduce or avoid those effects were fully identified and considered in the EIR.”

Moved and seconded. Approved by a vote of 4-0.

13. COASTAL TRAIL IN BIG SUR

Trish Chapman of the Coastal Conservancy presented the Staff Recommendation.

Ms. Caldwell proposed the addition of two conditions to the draft resolution: the amendment was accepted by the Conservancy.

Resolution as amended:

“The State Coastal Conservancy hereby authorizes acceptance of seventy-five thousand dollars (\$75,000) from the Federal Highway Administration and disbursement of an amount not to exceed one hundred seventy-five thousand dollars (\$175,000) for preparation of a master plan for the Coastal Trail in Big Sur, subject to the following conditions

1. Prior to disbursement of any funds for any work, the Conservancy’s Executive Officer shall approve the work plan, budget and contractor for that work.

2. The project shall incorporate the Conservancy's Access Program Standards.

Additionally:

1. The project must ensure that the recommended alignments are developed in conformity with the 'Principles for Designing the Coastal Trail' as set forth on pages 14-16 in the Conservancy's publication entitled 'Completing the California Coastal Trail.'
2. The Master Plan will be developed in a manner suitable for incorporation into the Monterey and San Luis Obispo County Local Coastal Program."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project authorization is consistent with Public Resources Code Sections 31400-31409, regarding the Conservancy's mandate to assist in the development of a system of public accessways to and along the coast.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The project meets greater-than-local needs."

Moved and seconded. Approved by a vote of 4-0.

The Conservancy next took up the consent calendar, agenda item 20, out of sequence.

20. CONSENT ITEMS:

A. ESTERO AMERICANO WATERSHED

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two hundred fifty thousand dollars (\$250,000) to the Gold Ridge Resource Conservation District (RCD) for the implementation of ranch resource restoration projects on agricultural properties in the Estero Americano watershed in Sonoma County, subject to the condition that prior to the disbursement of any Conservancy funds with respect to a particular project site:

1. The Executive Officer of the Conservancy ("the Executive Officer") shall approve in writing a work plan, budget and project schedule, and any contractors and subcontractors to be employed in the project.
2. The RCD shall provide a signing plan for the projects, to include appropriate acknowledgement of the Conservancy.

3. The RCD shall enter into and record an agreement satisfactory to the Executive Officer with the landowner of the project site for the provision of access to the property and monitoring and maintenance of the project.
4. The RCD shall provide documentation that all permits and approvals necessary to completion of the project under federal, state and local laws have been obtained.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of Chapter 5.5 and Chapter 6 of Division 21 of the Public Resources Code (Sections 31220 and 31251-31270).
2. The proposed project is consistent with the Conservancy’s Project Guidelines and Selection Criteria adopted by the Conservancy on January 24, 2001.
3. The portions of the project located within the coastal zone have been identified in the Sonoma County Local Coastal Plan as requiring public action to resolve existing or potential resource problems.”

Moved and seconded. Approved by a vote of 4-0.

B. HUMBOLDT BAY NATIONAL WILDLIFE REFUGE

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to fifty-thousand dollars to the U.S. Fish and Wildlife Service (“FWS”) to undertake eradication of the invasive non-native plant species, *Spartina densiflora*, in portions of the Humboldt Bay National Wildlife Refuge, subject to the condition that prior to the disbursement of any funds, the FWS shall submit the following for the review and approval of the Executive Officer of the Conservancy:

1. A work program, budget and schedule for the project.
2. The qualifications of any subcontractor to be used on the project.
3. Evidence that it has obtained all necessary permits and approvals for the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 6 of Division 21 of the public resources code (Sections 31251 et seq.) regarding the enhancement of coastal resources;

2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

C. MILPITAS-BERRYESSA RIDGE TRAIL

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed fifty thousand dollars (\$50,000) to the Santa Clara County Open Space Authority to plan the development of a segment of the San Francisco Bay Area Ridge Trail in the Milpitas-Berryessa area of Santa Clara County, subject to the condition that no Conservancy funds shall be disbursed until the Executive Officer of the Conservancy has approved in writing a final work plan, including a budget and schedule, and any contractors proposed to be used.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 4.5 of Division 21 of the California Public Code (Sections 31160-31164) regarding the Conservancy’s mandate to address the resource and recreation goals of the San Francisco Bay area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

D. MURPHY AND MITSUUCHI PROPERTY ACQUISITION

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed fifty thousand dollars (\$50,000) to the Batiquitos Lagoon Foundation (“BLF”), a non-profit organization, for acquisition expenses associated with possible future acquisitions of the Murphy and Mitsuuchi properties, San Diego County Assessors Parcel Nos. 216-121-22 and 216-121-17, adjacent to the Batiquitos Lagoon, for natural resource and wildlife habitat restoration and public access purposes. This authorization is subject to the requirement that, prior to the disbursement of any Conservancy funds for the project, the BLF shall submit for the review and approval of the Executive Officer of the Conservancy a final work plan (including the names of any subcontractors to be used in the completion of the project), and a project schedule and budget.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-31270), with respect to coastal resource enhancement, and Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31409), with respect to

public access.

2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 21, 2001.
3. The BLF is a nonprofit organization existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Code whose purposes are consistent with Division 21 of the Public Resources Code.”

E. ACCEPTANCE OF PUBLIC ACCESS EASEMENTS

Resolution:

“The State Coastal Conservancy hereby authorizes the acceptance of the following Offers to Dedicate public access easements:

- a. A lateral access easement over the former Raiche property, recorded in the Official Records of Santa Cruz County as document number 064914 in Volume 4228, pages 395 through 450, on September 28, 1987, and located at 60 Geoffrey Road, Live Oak Area, City of Santa Cruz County, Santa Cruz County Assessor’s Parcel Number 028-143-34, as shown in Exhibit 2;
- b. Five separate public access easements over the Ventana Inn property, all recorded in the Official Records of Monterey County on December 5, 1986, as follows: instrument number 66041, Reel 2033, pages 708 through 839; instrument number 66046, Reel 2033, pages 932 through 948; instrument number 66047, Reel 2033, pages 949 through 964; instrument number 66048, Reel 2033, pages 965 through 976; and instrument number 66049, Reel 2033, pages 977 through 991; and located at east of Highway 1 approximately 3.5 miles south of Big Sur Village, Big Sur, Monterey County Assessor’s Parcel Numbers 419-311-021, 419-321-001, 419-321-007, and 419-321-010, as shown in Exhibit 3;
- c. A vertical and a lateral access easement and an open space scenic easement over the Santa Lucia Company property, both recorded on December 11, 1992, in the Official Records of Monterey County, as document number 88613, Reel 2884, pages 180 through 215, and as document number 88614, Reel 2884, pages 216 through 227, respectively, and located west of Highway 1 between Lime and Dolan Creeks, Big Sur, Monterey County Assessor’s Parcel Number 421-001-002, as shown in Exhibit 4;
- d. A vertical access easement over the former Elmore property, recorded in the Official Records of Orange County as document number 87-390250, on July 9, 1987, and located at the intersection of Avenida del Presidente and Christianitos Road, City of San Clemente, as shown in Exhibit 5;

Prior to recording a Certificate of Acceptance on any of the above Offers to Dedicate, the Executive Officer of the Conservancy ("Executive Officer") shall review and approve the condition of title and shall determine that no other public agency or appropriate entity has accepted the Offer or equivalent interest in the property offered for dedication.

The Conservancy further directs the Executive Officer to transfer ownership of the easements to the Department of Parks and Recreation (DPR) for permanent public access purposes. If DPR is

unable to accept any of the easements for any reason, the Conservancy directs the Executive Officer to identify one or more public agencies or nonprofit conservation organizations willing and able to hold and manage for public use the easement(s) that DPR is unable to accept, and to transfer ownership of the easement(s) to such entities for permanent public access purposes. Any transfer pursuant to this authorization will comply with the requirements of Public Resources Code Section 31402.3 and the Executive Officer is authorized to take all actions necessary to accomplish the transfer.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed action is consistent with the authority and responsibilities of the Conservancy under Public Resources Code Section 31104.1 to serve as a repository for lands whose reservation is required to meet the policies and objectives of the Coastal Act;
2. The proposed action is consistent with the purposes and objectives of Sections 31400-31409 of the Public Resources Code; and
3. The proposed action is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

F. STEBBINS COLD CANYON RESERVE

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed forty-six thousand dollars (\$46,000) to the Regents of the University of California (“the University”) for the acquisition of Napa County Assessor’s Parcel Number 019-250-005 and Solano County Assessor’s Parcel Number 101-010-010 (“the property”), consisting of approximately 59 acres located adjacent to the Stebbins Cold Canyon Reserve in Napa and Solano Counties as shown in Exhibit 1 to the accompanying staff recommendation. This authorization is subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the University shall submit for the review and approval of the Executive Officer of the Conservancy (“the Executive Officer”):
 - a. All relevant acquisition documents, including but not limited to escrow instructions, a current appraisal, environmental assessments, purchase agreement, title reports, and documents of title necessary to the acquisition of the property.
 - b. Evidence that sufficient funds are available to complete the acquisition.
2. The University shall pay no more than fair market value for the property.
3. The University shall permanently dedicate the property for habitat preservation, open space protection, and public access, through an appropriate instrument approved by the Executive Officer. Promptly after acquiring each of the parcels, the University shall

incorporate them into the existing Stebbins Cold Canyon Reserve, for the benefit of the University of California Natural Reserve System.

4. Restoration of the portion of the existing Blue Ridge Loop Trail that crosses the property shall be completed within five years of the University acquiring the property.
5. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been approved by the Executive Officer.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

G. CORTE MADERA CREEK

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the County of Marin to conduct hydraulic and fish passage studies and analysis as part of the County’s flood protection and environmental enhancement plan for Corte Madera Creek, Marin County. No Conservancy funds shall be disbursed until the Executive Officer has reviewed and approved in writing:

1. All contractors to be hired.
2. A final work program for the project, included a detailed schedule and budget.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code, §§ 31160-31165.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

H. SAN FRANCISCO BAY AREA WATER TRAIL

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed fifty thousand dollars (\$50,000) to Bay Access, Incorporated to develop an outreach and communications plan and initiate the development of an environmental education and stewardship program in support of the San Francisco Bay Area Water Trail. This authorization is subject to the condition that prior to the disbursement of any Conservancy funds, Bay Access, Incorporated shall submit for review and written approval of the Executive Officer a detailed work program, budget and schedule; and the names and qualifications of any contractors and subcontractors that it intends to employ.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The San Francisco Bay Area Water Trail Education and Partnership Development project is consistent with the purposes and criteria set forth in Public Resources Code Sections 31160-31165 regarding the Conservancy’s mandate to address the resource and recreational goals of the San Francisco Bay Area.
2. The San Francisco Bay Area Water Trail Education and Partnership Development project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Bay Access, Incorporated is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the California Public Resources Code.”

I. ENVIRONMENTAL CAREERS OPPORTUNITIES PROGRAM

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed \$100,000 to the Los Angeles Conservation Corps (LACC), to upgrade environmental marine, animal husbandry laboratory and education facilities; to construct an upgraded native plant nursery; and to plan and develop an Environmental Careers Opportunities program to utilize these facilities, as described in the accompanying staff recommendation. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for construction, the LACC shall submit for review and approval by the Executive Officer of the Conservancy:
 - a. Evidence that the LACC has obtained all necessary permits and approvals.
 - b. A final work plan (including names of any contractors to be used in the completion of the project), a project schedule, and budget.

2. LACC shall install and maintain sign(s) acknowledging Conservancy funding participation on the project site, the design, number, and placement location of which have been approved by the Executive Officer.
3. LACC shall enter into an agreement, satisfactory to the Executive Officer of the Conservancy, and sufficient to protect the public interest in improvements constructed with these funds.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Chapters 3 and 9 of Division 21 of the Public Resources Code.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Los Angeles Conservation Corps is a nonprofit organization existing under Section 501 (c)(3) of the U.S. Internal Revenue Code, whose purposes are consistent with Division 21 of the Public Resources Code.”

I. EDUCATION AND CALIFORNIA YOUTH ENVIRONMENTAL TRAINING INSTITUTE

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed thirty thousand dollars (\$30,000) to the National Hispanic Environmental Council for purposes of conducting its inaugural California Youth Environmental Education and Training Institute, as described in the accompanying staff recommendation.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of Section 31119 of the Public Resources Code, regarding educational projects.
2. The proposed project is consistent with the Project selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The National Hispanic Environmental Council is a nonprofit organization existing under Section 501(c)(3) of the U. S. Internal Revenue Code and whose purposes are consistent with Division 21 of the California Public Resources Code.”

Moved and seconded. All Consent Items were approved by a vote of 4-0.

Following a brief lunch break the Conservancy resumed at 1 p.m. with agenda item 14.

14. SAN FRANCISCO ESTUARY FISH PASSAGE

Betsy Wilson of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred thousand dollars (\$200,000) to the Center for Ecosystem Management and Restoration (“CEMAR”) to prepare conceptual designs and detailed cost estimates for at least four high priority fish passage improvement projects on streams of the San Francisco Estuary, subject to the condition that prior to commencement of work, CEMAR shall submit for the review and approval of the Executive Officer of the Conservancy a work program, schedule for completion and project budget, and the names and qualifications of any contractors to be employed.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 4.5 (Sections 31160-31164) of Division 21 of the Public Resources Code regarding the enhancement of natural resources of the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001.
3. The Center for Ecosystem Management and Restoration is a nonprofit organization existing under Section 501(c) (3) of the U.S. Internal Revenue Service Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

Moved and seconded. Approved by a vote of 4-0.

The board took up items 16 to 17 next.

16. HAUN PROPERTY

Deborah Ruddock of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred ninety thousand dollars (\$590,000) to the City of Laguna Beach (“City”) as follows: (1) up to five hundred eighty-five thousand dollars (\$585,000) for the acquisition of a property adjacent to the Laguna Coast Wilderness Park (“LCWP”) commonly known as the Haun property, County of Orange Assessors Parcel No. 632-041-02, and (2) up to five thousand

dollars (\$5,000) to cover estimated closing costs for the transaction. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for the acquisition of the property, the City shall submit for the review and approval of the Executive Officer of the Conservancy (“the Executive Officer”):
 - a. All relevant acquisition documents, including without limitation, an appraisal, purchase agreement, escrow instructions, environmental assessment, and title report.
 - b. Evidence that sufficient funds are available to complete the acquisition.
 - c. Evidence of commitment by the County of Orange to manage the property as part of the Laguna Coast Wilderness Park for public access and for wildlife habitat.
2. The City shall pay no more than fair market value for each property, as established in an appraisal approved by the Executive Officer.
3. The City shall permanently dedicate the property for open space, public access and habitat preservation, through an appropriate instrument approved by the Executive Officer.
4. The City shall acknowledge Conservancy and Proposition 12 funding by erecting and maintaining signs on the property, the design and location of which have been approved by the Executive Officer.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31409) with respect to public access. The proposed acquisition will connect important coastal watershed and scenic areas in the Laguna Coast Wilderness Park, part of a regional park system.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 21, 2001.
3. The proposed project would serve a greater-than-local need.”

Moved and seconded. Approved by a vote of 4-0.

17. BUENA VISTA LAGOON

Deborah Ruddock of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) for Phase II Buena Vista Lagoon restoration planning, including preparation of environmental documents and related preliminary engineering design.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 6 of Division 21 of the Public Resources Code Sections 31251-31270.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Moved and seconded. Approved by a vote of 4-0.

The board took up item 15 next.

15. MALIBU LAGOON RESTORATION

Kara Kemmler of the Coastal Conservancy presented the Staff Recommendation.

Resolution

“The State Coastal Conservancy hereby authorizes: 1) the acceptance of three million dollars (\$3,000,000) from the State Water Resources Control Board (SWRCB) for implementation of Phase 2 of the Malibu Lagoon Restoration and Enhancement Plan; 2) the disbursement of an amount not to exceed three million six hundred thousand nine hundred dollars (\$3,600,900) to California Department of Parks and Recreation (DPR) for implementation of Phases 1 and 2 of the Malibu Lagoon Restoration and Enhancement Plan; and 3) the disbursement of an amount not to exceed five hundred forty-eight thousand nine hundred dollars (\$548,900) to the Resource Conservation District of the Santa Monica Mountains (RCDSMM) for monitoring, final design and permitting of the Malibu Lagoon Restoration and Enhancement Plan. This authorization is subject to the condition that prior to the disbursement of any funds to either DPR or RCDSMM, the Executive Officer of the Conservancy shall review and approve each entity’s work program, including scope of work, budget and schedule, and the names of any contractors to be used to conduct its project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 6 of Division 21 of the Public Resources Code Sections 31251-31270.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy, as a responsible agency, has independently reviewed and considered the Final Environmental Impact Report (EIR) (Exhibit 5) and finding of overriding

considerations (Exhibit 6) adopted by DPR on April 4, 2006 and finds that the project, as mitigated, avoids, reduces or mitigates all but one of the potential significant environmental effects of the project, possible temporary noise impacts. The Conservancy further finds that there are overriding considerations of great public benefit from the project as fully described in the attached and incorporated by reference Exhibit 6 to the accompanying staff recommendation which make this unmitigable possible temporary noise impact “acceptable” pursuant to 14 California Code of Regulations Section 15093(c).”

Moved and seconded. Approved by a vote of 4-0.

18. LOS PENASQUITOS LAGOON

Mary Small of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of two hundred and fifty thousand dollars (\$250,000) to the Los Peñasquitos Lagoon Foundation to continue physical, chemical, and biological monitoring of Los Peñasquitos Lagoon and update the Los Peñasquitos Lagoon Enhancement Plan.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed disbursement of funds is consistent with the purposes and criteria set forth in Sections 31251-70 of the Public Resources Code, regarding enhancement of coastal resources.
2. The proposed disbursement is consistent with the Los Peñasquitos Lagoon Enhancement Plan approved by the Conservancy on October 30, 1985.
3. The proposed disbursement is consistent with the City of San Diego North City Local Coastal Program certified by the Coastal Commission in 1988.
4. The proposed disbursement is consistent with the purposes of the Los Peñasquitos Special Deposit Fund established to provide for management of the lagoon.
5. The Los Peñasquitos Lagoon Foundation is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, and has among its principal charitable purposes the restoration of Los Peñasquitos Lagoon, and the preservation of land for scientific, historic, educational, ecological, recreational, scenic or open space opportunities.”

Moved and seconded. Approved by a vote of 4-0.

19. HUNTINGTON BEACH WETLANDS

Greg Gauthier of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Gary Gorman, Huntington Beach Wetlands Conservancy.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred forty thousand dollars (\$240,000) to the Huntington Beach Wetlands Conservancy (HBWC) to complete construction of the Wildlife Care and Education Building, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for construction, HBWC shall submit f for the review and approval of the Executive Officer of the Conservancy:
 - a. Evidence that HBWC has obtained all necessary permits and approvals and adequate funding to complete the project.
 - b. A detailed, final work plan, a project schedule and budget.
 - c. The names and qualifications of any contractors to be used in the completion of the project.
2. HBWC shall enter into an agreement consistent with Section 31116(c) of the Public Resources Code, to protect the public’s interest in the constructed improvements at the project site.
3. BWC shall install and maintain sign(s) on the project site, the design, number and placement of which has been approved by the Executive Officer, acknowledging Conservancy funding participation.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Chapters 3 and 9 of Division 21 of the Public Resources Code.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project will serve greater than local needs.
4. The Huntington Beach Wetlands Conservancy is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the California Public Resources Code.”

Moved and seconded. Approved by a vote of 4-0.

21. EXECUTIVE OFFICER REPORT (continued)

The portion of the Executive Officer’s report remaining after the morning session was presented. Mr. Schuchat mentioned that escrow for the Los Cerritos property in southern California was

nearing close. Mr. Schuchat noted that the strategic plan for the Ocean Protection Council was complete, and the revision of the strategic plan for Conservancy would start in about six months.

- b. Conservancy project manager Deborah Ruddock presented the Legislative Report (copy attached to these minutes).

22. DEPUTY ATTORNEY GENERAL'S REPORT

No report

23. BOARD MEMBER COMMENTS

No comments

24. PUBLIC COMMENTS

No public comment

25. CLOSED SESSION

There was no closed session

26. ADJOURNMENT

The meeting adjourned at 2:00 pm.

ACTION REPORT WITH SUMMARY BY HOUSE**SCC Board Meeting**

June 29, 2006 Arcata, California

ASM**AB 1801 (Laird) Budget Act of 2006.**

C - 06/30/2006

Status:

06/30/2006 - ASM CHAPTERED Chaptered by the Secretary of State, Chapter Number 47

Calendar:**Summary:**

This bill would make appropriations for support of state government for the 2006-07 fiscal year. This bill contains other related provisions.

*fy 06/07 budget***AB 1803 (Committee on Budget) Public resources.**

E - 07/06/2006

Status:

07/06/2006 - ASM ENROLLED Enrolled and to the Governor at 1:30 p.m.

Calendar:**Summary:**

Existing law requires the Department of Pesticide Regulation to publish a financial report each year that describes the amount and source of funding of, and the cost to operate, each branch of the department, and the funding of the major programs within those branches. This bill would instead require the department to report the amount and source of funding for the major programmatic functions of the department. This bill contains other related provisions and other existing laws.

*coastal wetlands
account***SB 153 (Chesbro) Parks and recreation.**

A - 06/19/2006

Status:

06/26/2006 - ASM RLS. Re-referred to Com. on RLS.

Calendar:**Summary:**

(1) Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities. This bill would, of the \$400,000,000, require \$200,000,000, upon appropriation, to be used by the department for population-based competitive local assistance grants for the acquisition, restoration, and development of neighborhood, community, and regional parks, and recreational lands and facilities, as specified. The bill would require the remaining \$200,000,000 of the \$400,000,000, upon appropriation, to be used by the department to award competitive grants to local government agencies pursuant to specified existing park and recreation programs and to the Challenged Rural Communities Program that this bill would create. The bill would require the department to administer the needs-based Challenged Rural Communities Program for grants to cities, counties, and districts in non-urbanized areas for acquisition, development, and maintenance of recreational lands and facilities or for innovative recreational programs. The bill would require the remaining \$180,000,000, upon appropriation, to be used consistent with the initiative. This bill contains other related provisions and other existing laws.

*bond***SB 1125 (Chesbro) Natural resources: funding.**

A - 05/01/2006

Status:

06/27/2006 - ASM APPR. From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 8. Noes 1.) Re-referred to Com. on APPR.

Calendar:

08/09/06 9 a.m. - Room 4202 ASM APPROPRIATIONS

Summary:

ACTION REPORT WITH SUMMARY BY HOUSE**SCC Board Meeting**

June 29, 2006 Arcata, California

Existing law, until July 1, 2006, requires the State Lands Commission to deposit specified money in the State Treasury, and the money to be applied to specified obligations in a certain priority. Existing law requires the Controller to transfer in each fiscal year the remainder of that money, after it is used to meet the specified obligations, to the Resources Trust Fund. Existing law requires the Controller to annually transfer specified amounts from the Resources Trust Fund to the Salmon and Steelhead Restoration Account, the Marine Life and Marine Reserve Management Account, the State Parks System Deferred Maintenance Account, and the Natural Resources Infrastructure Fund, in order of priority, for specified uses upon appropriation by the Legislature. Existing law requires the Controller to transfer any unencumbered balances remaining in the Salmon and Steelhead Restoration Account, the Marine Life and Marine Reserve Management Account, the State Parks Deferred Maintenance Account, and the Natural Resources Infrastructure Fund on June 30 of each year to the General Fund. This bill would repeal those provisions operative on and after July 1, 2006, and delete the repeal date of those provisions that are operative only until July 1, 2006. The bill, instead of requiring the Controller to annually transfer the amounts specified in existing law from the Resources Trust Fund to those accounts and that fund, would require the Controller to annually transfer from the Resources Trust Fund, \$10,000,000 to the Salmon and Steelhead Restoration Account, \$5,000,000, for 10 years, to the Coastal Wetlands Account, which the bill would create in the Resources Trust Fund, \$10,000,000 to the Marine Life and Marine Reserve Management Account, \$10,000,000 to the Nongame Fish and Wildlife Program Account, which the bill would create in the Resources Trust Fund, \$10,000,000 to the State Parks System Deferred Maintenance Account, \$5,000,000 to the Wetlands and Riparian Habitat Conservation Account, which the bill would create in the Resources Trust Fund, and the remainder to the Natural Resources Infrastructure Fund, in order of priority, for specified uses, upon appropriation by the Legislature. The bill would require the Controller to transfer any unencumbered balances remaining in the Salmon and Steelhead Restoration Account, the Marine Life and Marine Reserve Management Account, the State Parks Deferred Maintenance Account, and the Nongame Fish and Wildlife Program Account on June 30 of each year to the General Fund. This bill contains other related provisions and other existing laws.

*tidelands***SB 1360 (Kehoe) County records: conservation easement registry.**

A - 05/17/2006

Status:

06/29/2006 - ASM APPR. From committee: Do pass as amended, but first amend, and re-refer to Com. on APPR. (Ayes 5. Noes 2.)

Calendar:**Summary:**

Existing law requires the county recorder in each county to develop and maintain, within the existing indexing system, a comprehensive index of conservation easements on land in that county. Existing law also requires the county recorder, with respect to conservation easements affecting property within the county, recorded on or after January 1, 2002, to include the conservation easement in the index, if the document is properly labeled, or if a Notice of Conservation Easement is also recorded. Existing law authorizes specified parties to conservation easements to fill out and record a Notice of Conservation Easement for conservation easements recorded prior to January 1, 2002. The Notice of Conservation Easement states that no fee is required for recording the document pursuant to a provision exempting state and local officials from such fees. This bill would delete from the Notice of Conservation Easement that statement that no fee is required by that provision. The bill would require the county recorder to send a copy of the notice, within 30 days of its recording, to the Secretary of the Resources Agency. By imposing a new duty on county recorders, the bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

*conservation
easements***SB 1845 (Kuehl) Natural resources: Ocean Protection Council.**

A - 06/12/2006

Status:

06/26/2006 - ASM APPR. Do pass as amended and be re-referred to the Committee on Appropriations.

Calendar:**Summary:**

ACTION REPORT WITH SUMMARY BY HOUSE**SCC Board Meeting**

June 29, 2006 Arcata, California

The California Ocean Protection Act establishes the Ocean Protection Council in state government. The act provides that the council consists of the Secretary of the Resources Agency, the Secretary for Environmental Protection, and the Chair of the State Lands Commission. The act requires the council, among other things, to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems, and to establish policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between agencies. This bill would provide that the council additionally consists of 2 members of the public appointed by the Governor for a specified term, and with specified qualifications. This bill contains other related provisions and other existing laws.

*ocean protection
council*

SEN**AB 1804 (Committee on Budget) Budget Act of 2006.**

I - 01/10/2006

Status:

06/13/2006 - SEN THIRD READING Read second time. To third reading.

Calendar:**Summary:**

This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2006.

*fy06budget
changes*

AB 1940 (Koretz) Environment: marine debris: plastic discharges.

A - 06/14/2006

Status:

06/26/2006 - SEN APPR. Do pass as amended, and re-refer to the Committee on Appropriations.

Calendar:**Summary:**

Existing law, the California Coastal Act of 1976, provides for the maintenance, enhancement, or restoration of the marine environment, where feasible. This bill would require the State Coastal Commission, to the extent feasible and within its existing resources: (1) to convene a multiagency task force, consisting of specified representatives from the Department of Conservation, the State Water Resources Control Board, the California Integrated Waste Management Board, the Department of Boating and Waterways, the State Coastal Conservancy, and the San Francisco Bay Conservation and Development Commission, for the purpose of implementing a statewide marine debris reduction effort; and (2) to undertake certain actions, as specified. The bill would also make various legislative findings regarding marine debris. This bill contains other related provisions and other existing laws.

marine debris

AB 2479 (Cogdill) Noxious and invasive weeds.

A - 05/30/2006

Status:

06/21/2006 - SEN APPR. From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 4. Noes 0.).

Calendar:**Summary:**

Existing law provides that within the Department of Food and Agriculture Fund there is the Noxious Weed Management Account, the funds in which are made available to eligible weed management areas or county agricultural commissioners for the control and abatement of noxious weeds according to an approved integrated weed management plan. Existing law provides that only 5% of the funds in the account shall be made available to the Department of Food and Agriculture for carrying out provisions relating to management of noxious and invasive weeds, developing noxious weed strategies, seeking new biological control agents, conducting workshops, and appointing a noxious weed coordinator and weed mapping specialist. This bill would make various findings and declarations regarding the impact of noxious and invasive weeds on California. This bill would increase the percentage of Noxious Weed Management Account funds that shall be made available to the department to 10%.

ACTION REPORT WITH SUMMARY BY HOUSE**SCC Board Meeting**

June 29, 2006 Arcata, California

*invasive species***AB 2485 (Jones) Fish and game: sea otters.**

A - 06/19/2006

Status:

06/29/2006 - SEN APPR. From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 4. Noes 3.).

Calendar:**Summary:**

Existing law prohibits the taking of any marine mammal, including any sea otter, whale, dolphin, porpoise, seal, and sea lion, except in accordance with the federal Marine Mammal Protection Act of 1972 and specified federal regulations. Existing law prohibits the taking or possession of any fully protected mammal, including any southern sea otter. Existing law imposes a specified misdemeanor fine or imprisonment for these regulations. This bill would state the Legislature's intent to enact legislation to establish a research program focused on reducing sea otter mortality from nonpoint source pollution, and developing water and wastewater treatment technologies for pathogens or other causes affecting sea otter mortality, contingent upon appropriations administered through the California Coastal Conservancy. The bill would modify the fines and penalties for a violation of the above described existing laws relating to marine mammals and fully protected mammals to provide for the imposition of a fine of up to \$25,000 for each unlawful taking in violation of those provisions. The bill would also make legislative findings and declarations relating to cat feces and sea otter mortality, and would require any cat litter offered for sale in the state to contain one of 2 alternative statements regarding the proper disposal of cat feces. Because a violation of this requirement would be a crime under other, existing provisions that generally make violations of the Fish and Game Code a crime, the bill would create a state-mandated local program by creating a new crime. This bill contains other related provisions and other existing laws.

*sea otters***AB 2497 (Laird) Public resources: Resources Agency.**

A - 06/19/2006

Status:

06/29/2006 - SEN APPR. From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 6. Noes 1.).

Calendar:**Summary:**

Existing law requires the Resources Agency in conjunction with specified entities within the agency to develop and maintain a database of lands and easements that have been acquired by those entities. Existing law requires the Wildlife Conservation Board to review and approve the acquisition of lands and easements for the Department of Fish and Game. Existing law requires the State Public Works Board to review and approve the acquisition of lands and easements for all other state agencies and departments. This bill would require the Secretary of the Resources Agency and the Department of Finance to jointly convene a workgroup consisting of representatives from specified state agencies and natural resource organizations to evaluate and recommend proposals for improving the state resource land acquisition responsibilities and organization. The bill would require the agency and department to report to the Governor and the Legislature, on or before January 1, 2008, on the recommendations of the workgroup.

*acquisitions***AB 2641 (Coto) Native American burial grounds.**

A - 04/20/2006

Status:

06/22/2006 - SEN APPR. Withdrawn from committee. Re-referred to Com. on APPR.

Calendar:**Summary:**

ACTION REPORT WITH SUMMARY BY HOUSE**SCC Board Meeting**

June 29, 2006 Arcata, California

Existing law establishes the Native American Heritage Commission ("commission") and authorizes the commission to bring an action to prevent damage to Native American burial grounds or places of worship. Existing law, the California Native American Grave Protection and Repatriation Act of 2001, requires all state agencies and all museums that receive state funding to inventory Native American human remains and cultural items in their possession for return to the appropriate tribes. This bill would require a landowner to consult with the most likely descendants, as determined by the commission, regarding the preservation of any Native American burial ground, as defined, discovered on the property owner's land and would require the landowner to ensure that a site is not further disturbed until prescribed conditions are met. This bill contains other related provisions.

*indian cemeteries***AB 2838 (Pavley) Coastal Environment Motor Vehicle Mitigation Program.**

A - 04/17/2006

Status:

06/29/2006 - SEN APPR. From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 7. Noes 5.).

Calendar:**Summary:**

Existing law establishes the State Coastal Conservancy with prescribed powers and responsibilities for implementing a program of agricultural land protection, area restoration, and resource enhancement within the coastal zone, as defined. Under existing law, the conservancy is authorized to provide grants to local public agencies and nonprofit organizations. Existing law authorizes the Department of Motor Vehicles, if requested by a county air pollution control district, air quality management district, or unified regional air pollution control district to collect specified fees upon the registration or renewal of registration of any motor vehicle registered in the district, except as provided, to be used for the reduction of air pollution from motor vehicles, as specified. This bill would establish the Coastal Environment Motor Vehicle Mitigation Program, which, until January 1, 2020, would authorize the conservancy to request that the Department of Motor Vehicles collect a fee of up to \$6, upon the registration or renewal of registration of every motor vehicle registered in an eligible county that elects to participate in the program, as provided. The bill would create the Coastal Environment Motor Vehicle Mitigation Account in the State Coastal Conservancy Fund of 1984, for the purpose of receiving and disbursing funds derived from those fees collected by the Department of Motor Vehicles. The bill would require that all appropriations of funds deposited in the account only be used for specified program purposes, and be included in a section of the annual Budget Act for each fiscal year for consideration by the Legislature. The bill would prohibit the expenditure of funds derived from the account unless the appropriation is contained in that section of the Budget Act, except for funds continuously appropriated to the Controller for administrative costs. This bill contains other related provisions.

*motor vehicle fee***AB 2930 (Laird) Coastal resources: property dedications: conservation and open-space easements.**

A - 06/22/2006

Status:

06/27/2006 - SEN APPR. From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 5. Noes 2.).

Calendar:**Summary:**

Existing law requires that, unless the Legislature specifically provides that approval is not required, every gift or dedication to the state of personal property, or every gift to the state of real property in fee or in a lesser estate or interest, be approved by the Director of Finance, and every contract for the acquisition or hiring of real property in fee or in a lesser estate or interest, entered into by or on behalf of the state, be approved by the Director of General Services. However, existing law exempts from those requirements, among other things, the acceptance by the State Coastal Conservancy of offers to dedicate public accessways made pursuant to specified provisions of the California Coastal Act of 1976. This bill would additionally exempt from those requirements the acceptance by the conservancy of a conservation easement or an open-space easement made pursuant to the act. This bill contains other related provisions and other existing laws.

*conservation
easements*

ACTION REPORT WITH SUMMARY BY HOUSE**SCC Board Meeting**

June 29, 2006 Arcata, California

AB 3028 (Laird) California Coastal Trail.

A - 06/14/2006

Status:

06/27/2006 - SEN APPR. Set, first hearing. Hearing cancelled at request of author. (Refers to 6/22/2006 hearing)

Calendar:**Summary:**

Existing law authorizes the Legislature to transfer excess specified coastal zone property to specified agencies, including the State Coastal Conservancy, under specified circumstances. This bill would require the Department of Transportation consistent with existing law to annually identify excess coastal zone property and provide the information to specified agencies, including the State Coastal Conservancy. This bill contains other related provisions and other existing laws.

*coastal trail***SB 1434 (Kuehl) Natural resources: ocean protection: consultants.**

A - 03/27/2006

Status:

05/25/2006 - SEN DEAD Set, first hearing. Held in committee and under submission.

Calendar:**Summary:**

The California Ocean Protection Act establishes the Ocean Protection Council to coordinate activities of state agencies that are related to, among other things, protection and conservation of coastal waters and ocean ecosystems. This bill would authorize the council to hire a science advisor and an executive policy officer.

*ocean protection
council*